



COMMONS REGISTRATION ACT 1965

Reference No. 239/U/66

In the Matter of Two pieces of land, Winderton,
Brailes, Warwickshire

DECISION

This reference relates to the question of the ownership of two pieces of land, Winderton, Brailes, being the land comprised in the Land Section of Register Unit No. VG 95 in the Register of Town or Village Greens maintained by the Warwickshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr M J Walton claimed to be the freehold owner of a part of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Stratford on Avon on 20 May 1982.

At the hearing Mr Walton was represented by Mr R Bird, Solicitor. A small part of the land the subject of the reference now forms the entrance to a house erected by Mr Walton on the land immediately to the east. By a deed of gift made 28 February 1980 between (1) Melville William Walton (2) Michael John Walton, Mr M.W Walton conveyed to Mr M J Walton all his right, title, and interest in and to both these areas of land. The whole of the land the subject of the deed of gift was formerly rented by Mr John Walton, the father of Mr M W Walton and Mr M J Walton. Mr M W Walton occupied the land without payment of any kind to any person whatsoever after 1962, and he was in full and undisturbed possession of the land and of the rents and profits thereof continuously until 1980. Mr M J Walton remembers that for some fifty years there was a fence at the western end of the small area which falls within this reference until he removed it in 1980 and replaced it with a fence with double gates.

On this evidence I am satisfied that Mr M J Walton is the owner of a small part of the land, and I shall accordingly direct the Warwickshire County Council, as registration authority, to register him as the owner of that part under section 8(2) of the Act of 1965.

In the absence of any evidence regarding the major part of the land the subject of the reference, I am not satisfied that any person is the owner of it, and I shall accordingly direct the County Council to register the Brailes Parish Council as the owner of that part under section 8(3) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

27th

day of

May

1982